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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington DC 20037

In re Application of:

UMEMOTO, Seiji et al. : DECISION ON PETITION
Application No. 09/851,970 : UNDER 37 CFR 1.144
Filed: May 10, 2001 :
Attorney Docket No. Q64435 :

This is a decision on the Petition filed on January 24, 2006 requesting (1) withdrawal of the Election of Species requirement issued in the September 7, 2005 Office action and (2) the issuance of a new Office action examining claims 21-40. The petition was timely filed within two months of the mailing of the Advisory Action dated December 21, 2005, which action constitutes that from which "relief is being requested" as in accordance and compliance with 37 CFR 1.181(f).

The Petition is hereby **GRANTED**.

For essentially the reasons advanced by petitioner on pages 5-7 of the petition, the examiner's reasons presented in the Final rejection dated September 7, 2005 for holding claims 21-44 of the Amendment filed June 27, 2005 as being drawn to alternate species of the invention as compared with the specie originally presented in claim 1, to be in error. Consequently, the Office action set forth in the Final rejection dated September 7, 2005 is vacated and a new Office action will be forthcoming. Accordingly, an appeal brief is not necessary.

Telephone inquiries should be directed to Frank G. Font, Supervisory Patent Examiner, at (571) 272-2415.

Janice A. Falcone

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components